

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2014-00067 VAN DEN BERG**

Approved Demolition and Development

1. This Minor Use Permit authorizes the demolition of a 1,568 square-foot single-story single family residence and the construction of a new 1,910 square foot two-story single family residence with an approximately 317 square foot of upper floor deck area. The proposed Gross Structural Area (GSA) is 1,910 square feet. The project will result in the disturbance of the entire 3,520 square feet parcel.
2. Maximum height is 24 feet (as measured from the center line of the fronting street at a point midway between the two side property lines projected to the street center line, to the highest point of the roof). *If archeological resources are found on site and the Environmental Coordinator determines that these resources should be capped with fill material, the fill shall not exceed a depth of 24 inches pursuant to Section 23.04.122a(3).*
3. All development shall be consistent with the final approved construction drawings. *In the event that significant cultural resources are found on site per the Research Design and Phase II Evaluation Plan (SWCA, May 2015), the final approved construction drawings shall incorporate revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level.*

Conditions required to be completed prior to demolition permit issuance

Cultural Resources

4. **CR-6: Prior to issuance of a demolition permit to remove or demolish any buildings or utility pipes on the subject property**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and
 - h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of

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cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

The archaeologist shall verify implementation of the Monitoring Plan during any ground disturbing activities. A final report on compliance shall be submitted by the archaeologist **prior to final inspection.**

Conditions to be completed during demolition activities and prior to final demolition permit

Cultural Resources

5. **CR-1: Demolition Phases - During all ground disturbing demolition activities,** demolition work shall be conducted in a manner that would not significantly impact the site. Flatwork shall be removed manually with jackhammer or similar light demolition equipment. Existing house shall be pulled down using demolition equipment with grapples. Non track based equipment should be used to reduce possible traction damage on site. No scraping of demolition waste or subsurface excavation materials allowed. Exposed soils shall be protected with metal sheets or similar material from direct traction of construction machines during the demolition process. The applicant shall retain a qualified archeologist (approved by the Environmental Coordinator) and a Native American monitor per the approved monitoring plan.
6. **CR-2: Subsequent Survey(s) - After demolition of the house and removal of concrete flatwork, and prior to issuance of construction permits,** the applicant shall retain a qualified archeologist, approved by the Environmental Coordinator, to conduct the Phase 1 Surface Survey on the exposed soils per the approved *Research Design and Phase II Evaluation Plan (SWCA, May 2015)*. The archeologist will further conduct the Extended Phase 1 (XP1) survey with hand-excavated auger borings to determine the extent, integrity, and depths of cultural deposits. A Native American monitor shall be present during all ground disturbing activities. Should disturbed and/or intact resources be identified, Phase II Evaluation Plan (SWCA, May 2015) shall be implemented. The applicant shall implement the recommendations of the archeologist, as required by the Environmental Coordinator.
7. **CR-3: Minimize Impacts - If cultural resources are identified on site,** further testing or avoidance shall be required. In consultation with the Environmental Coordinator, archeologist, Native American monitor, and/or the Most Likely Descendent (MLD), project redesign may be required to avoid significant impacts or reduce to a less than significant level.
 - a. Project redesigns could include, but not limited to, moving foundation elements, designing spanning foundations, reducing proposed excavation volumes, and altering proposed utility lines and connection alignments. Any redesigns shall also comply with the small scale neighborhood design standards.
 - b. Foundation design may need to be altered to minimize site disturbance. "Side-by-side" comparisons of disturbance and calculations of volume of cultural materials affected will be submitted to show the revised foundation design will result in the least disturbance. **The approved redesign(s) shall be verified by the County prior to construction work.**
 - c. Where project must encroach within the identified cultural resource(s), incorporation of fill shall be considered. Only sufficient fill shall be placed over the site so as to allow native soils to remain undisturbed (e.g. 18 inches for residential footings, 6-8 inches for driveway construction). Clean, sterile fill, consisting of a layer of other

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conspicuous material (e.g. fill of a noticeable different color and texture than native soil) shall be placed over the native soil prior to placement of any other clean fill material. Native soils shall not be disturbed or compacted within the cultural resource areas. A qualified archaeologist shall be retained to oversee this work per the approved monitoring plan.

- d. If avoidance is not possible, mitigation through data recovery shall be required (as defined in Mitigation Measure CR-5 Phase III Data Recovery Program) prior to **construction permit issuance**.
 - e. Alternate mitigations may also include a combination of soil capping and Phase III Data Recovery, where feasible.
 - f. If human remains are found, an agreement of Non-Disturbance of Native American burial sites may be required **prior to final inspection** to prevent future disturbance to the site(s) identified.
8. **CR-4: Cultural Resources – Revised Construction Drawings.** If cultural resources are identified on site, the applicant shall submit revised construction drawings to the County incorporating the revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level. If construction cannot avoid identified archaeological resources, the archaeologist shall propose adequate measures to reduce impacts to a less than significant level (See *Mitigation Measure CR-3 Minimize Impacts*).

Conditions required to be completed at the time of application for construction permit

Cultural resources

9. **CR-5 Cultural Resources - Phase III Data recovery Program (if avoidance is not possible).** Prior to issuance of construction permit, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of conducted archaeological investigations and the Phase II Research and Evaluation Plan (SWCA; May 2015). The Phase III program shall include at least the following:
- a Standard archaeological data recovery practices;
 - b Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size typically is 2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
 - c Identification of location of sample sites/test units;
 - d Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - e Disposition of collected materials;
 - f Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results; and
 - g List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings and implemented **during construction**.

10. **Prior to issuance of construction permit**, the applicant shall submit to the Environmental Coordinator, a Fieldwork Closure Report from the consulting archaeologist indicating that all necessary field work as identified in the Research Design and Phase II Evaluation Plan (SWCA, May 2015) has been completed.

Site Development

11. **At the time of application for construction permit**, plans submitted shall show all development consistent with the final site plan, floor plan, and architectural elevations as approved by the Planning and Building Department. *In the event that cultural resources are found on site*, the applicant shall submit revised construction drawings to the County incorporating the revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level.
12. **At the time of application for construction permit**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
13. **At the time of application for construction permit**, the applicant shall provide a landscaping plan showing the usage of appropriate landscaping that help soften the massing of the proposed structure.
14. **At the time of application for construction permit**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
15. **At the time of application for construction permit**, the project is subject to the California State Title 24 energy laws.

Fire Safety

16. Installation of a fire sprinkler system is required for the residence.
17. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to, those outlined in the Fire Safety Plan, to be prepared at the time of application for construction permits by the Cayucos Fire Department for this proposed project.

Services

18. **At the time of application for construction permits**, the applicant shall provide confirmation of water availability letter from Paso Robles Beach Water Association to service the new residence.
19. **At the time of application for construction permits**, the applicant shall provide confirmation of sewer availability letter from Cayucos Sanitary District to service the new residence.

Grading, Drainage, Sedimentation and Erosion Control

20. **At the time of application for construction permits**, the applicant shall submit a complete drainage plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. Drainage plans should be designed to retain water on-site and encourage infiltration when feasible.
21. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with 23.05.036.
22. **At the time of application for construction permits**, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
23. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
24. **GS-1: Prior to issuance of construction permit**, the applicant shall submit an updated geotechnical report incorporating the final revision(s) to the foundation and/or site design to the Planning and Building Department for review and approval.

Fees

25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Cultural Resources

26. **CR-7: Cultural Resource – Construction Monitoring. During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Building Height

27. The maximum height of the project is 24 feet (as measured from the center line of the fronting street at a point midway between the two side property lines projected to the street center line, to the highest point of the roof). *If archeological resources are found on site and the Environmental Coordinator determines that these resources should be capped with fill material, the fill shall not exceed a depth of 24 inches pursuant to Section 23.04.122a(3).*
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish the center line of the fronting

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street at a point midway between the two side property lines and set a reference point (benchmark).

- b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Grading, Drainage, Sedimentation and Erosion Control

- 28. **Prior to or concurrently with on-site grading activities**, permanent erosion control devices shall be installed.
- 29. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
- 30. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
- 31. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
- 32. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.
- 33. Appropriate sedimentation measures shall be implemented at the end of each day's work.

Conditions to be completed prior to occupancy or final building inspection

Cultural Resources

- 34. **CR-8: Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time of final inspection, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.
- 35. **CR-3: Minimize Impacts –Prior to final inspection and in the event of human remains identified on site**, the applicant may be required to record an agreement of Non-Disturbance of Native American burial sites to prevent future disturbance to the site(s) identified.

Miscellaneous

- 36. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cayucos Fire Department of all required fire/life safety measures.
- 37. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cayucos Sanitary District

38. **Prior to occupancy or final inspection**, landscaping shall be installed in accordance with the approved landscaping plan.
39. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

40. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
41. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.